

**REMARKS****Introduction**

In the non-Final Office Action mailed on November 28, 2006 (paper no. 2006/1117), the Examiner: indicated the allowability of the claim 5; rejected claims 1, 6, 24, and 25 under 35 U.S.C. § 103(a) over a combination of U.S. Patent No. 5,021,953 to Webber et al. ("Webber") and U.S. Patent No. 5,948,040 to DeLorme et al. ("DeLorme"); rejected claim 2 under 35 U.S.C. § 103(a) over a combination of Webber, DeLorme, and U.S. Patent No. 7,092,892 to Sobalvarro et al. ("Sobalvarro"); and rejected claims 3 and 4 under 35 U.S.C. § 103(a) over a combination of Webber, DeLorme, Sobalvarro, and U.S. Patent No. 5,848,396 to Gerace ("Gerace"). Applicants herein amend claims 1, 24, and 25 to more clearly identify the subject matter for which applicants seek protection. Claims 1-6 and 24-25 are pending and elected for examination. For the reasons set forth in detail below, applicants submit that all of the pending and elected claims are allowable.

**Rejection Under 35 U.S.C. § 103(a)**

In some embodiments, applicants' technology may promote to a particular user products or other items that are both (1) new to the user and (2) predicted to be of interest to the user. Applicants' technology may determine whether an item is new to a user based upon an availability date indicating when the item became available, such as an availability date on which the product is first available for purchase; for example, Applicants' technology may determine that an item is new if its availability date is within 14 days of the present date, or is after a date upon which the user last viewed product information.

Each of the pending claims is rejected over combinations of references that each include both Webber and DeLorme. Webber is directed to a travel planning system in which a user enters dates on which to travel and cities to which to travel, and the system proposes a list of flights that satisfy these criteria, as well as satisfying criteria based upon such persistent user preferences as the user's favorite airplane type. (6:22-64) DeLorme describes a similar travel planning system in which travel dates may either be directly

entered by a user, or retrieved from an accounting system into which they were entered by a different user. (70:36-46)

Claims 1 and 24 each recite these steps:

automatically defining a range of dates, such that products whose availability dates fall within the range qualify as new products;

subsetting the inventory of products to those products having an availability date on which the product is first available for purchase falling within the defined date range;

These claims each also make clear that the recited availability date is one "on which the product is first available for purchase." Applicants submit that neither Webber nor DeLorme discloses automatically defining a range of dates, such that a product that is first available for purchase within the defined range qualifies as a new product. The range of dates identified by the Examiner in both Webber and DeLorme as corresponding to the recited range of dates is the range of dates on which a traveler will travel. There is simply no correspondence between the range of dates on which a traveler will travel and a range of dates, such that a product that is first available for purchase within the defined range qualifies as a new product. To the contrary, the users in Webber and DeLorme simply wish to view a list of flights that will be flown on the dates they wish to travel; these references contain no indication that such users have any interest on the dates on which flights first became available for purchase, or that such dates would qualify particular flights as new.

Similarly, these references fail to describe subsetting an inventory of products to those products that having an availability date on which the product is first available for purchase falling within the defined date range. To the contrary, each reference makes clear that it subsets the list of all flights based upon whether each flight is scheduled to

occur on the date that the traveler wishes to travel, without any regard for when the flight may have been first available for purchase.

Because the cited references fail to disclose either of these recited features, claims 1 and 24 are patentable over these references, along with their dependent claims 2-23.

Claim 25 recites the following steps similar to those quoted above:

automatically defining a range of dates, such that instances of content whose availability dates fall within the range qualify as new instances of content;

subsetting the inventory of content to those instances of content having an availability date on which an instance of content is first available on the web site falling within the defined date range;

The cited references disclose nothing any more relevant to the instances of content recited in claim 25 than they do to the products recited in claims 1 and 24. Accordingly, for the same reasons as discussed above, claim 25 is patentable over combinations of references including Webber and DeLorme, as are its dependent claims 26-29.

### **Conclusion**

In view of the foregoing, Applicants respectfully submit that claims 1-6, 24, and 25 are allowable. Accordingly, Applicants solicit a prompt notice of allowance and request that the withdrawal of claims 7-23 and 26-29, each dependent on an allowable claim, be reversed.

If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

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